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Working Group on Minorities
Seventh session
14-18 May 2001

# ANNOTATIONS TO THE PROVISIONAL AGENDA

## Note by the Secretary-General

### Introduction

1. The establishment of the Working Group on Minorities was recommended by the Sub-Commission on the Prevention of Discrimination and Protection of Minorities in its resolution 1994/4 of 19 August 1994 and authorized by the Commission on Human Rights in its resolution 1995/24 of 3 March 1995, in which it called upon the Sub-Commission to examine, as a matter of priority, ways and means to promote and protect effectively the rights of persons belonging to minorities as set out in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities of 18 December 1992. For that purpose it authorized the Sub-Commission to establish an inter-sessional working group. This resolution was subsequently endorsed by the Economic and Social Council in its resolution 1995/31 of 25 July 1995. By decision 1998/246 of 30 July 1998, the Economic and Social Council extended the mandate of the Working Group with a view to its holding one session of five working days annually.

2. The seventh session of the Working Group is scheduled to be held at the United Nations Office at Geneva from 14 to 18 May 2001.

## 1. Adoption of the agenda

3. The provisional agenda for the seventh session of the Working Group contained in document E/CN.4/Sub.2/AC.5/2001/1 includes items on the promotion of the rights of persons belonging to minorities as set out in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. The Commission on Human Rights, in its resolution 1995/24, requested the Working Group to give priority consideration to the three main items contained in paragraph 9 of that resolution, namely:

(a) To review the promotion and practical realization of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities;

(b) To examine possible solutions to problems involving minorities, including the promotion of mutual understanding between and among minorities and Governments;

(c) To recommend further measures, as appropriate, for the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities.

4. In accordance with the above-mentioned paragraph, the Working Group decided to consider the issues in the following order at its present session: reviewing the promotion and practical realization of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities; examining possible solutions to problems involving minorities, including the promotion of mutual understanding between and among minorities and Governments; recommending further measures, as appropriate, for the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities; the future role of the Working Group; and other matters.

## 2. Organization of work

5. At its sixth session, the Working Group decided to rationalize the agenda and that the number of meetings for each agenda item would be as follows: three meetings for agenda item 3 (a); three meetings for agenda item 3 (b); and three meetings for agenda item 3 (c) (see E.CN.4/Sub.2/2000/27, para. 115)

### 3 (a) Reviewing the promotion and practical realization of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities

**Manual on Minorities**

6. The Working Group decided that the final text of the Commentary on the Declaration should be submitted as the final commentary prepared by the Chairperson-Rapporteur, Mr. Asbjørn Eide. This is available in document E/CN.4/Sub.2/AC.5/2001/2. The Working Group also decided that the commentary would be published in a manual to be prepared on regional and international mechanisms and procedures for minority protection. In paragraph 11

of Commission on Human Rights resolution 2000/52, the Commission took note of the Working Group's work on a manual. Moreover, the Sub-Commission, in paragraph 4 of its resolution 2000/16 endorsed the recommendation of the Working Group that the revised commentary prepared by its Chairperson be published as part of a manual containing the Declaration and an overview of relevant procedures and mechanisms of regional and international organizations.

**Information gathering on minorities**

7. At its sixth session, the Working Group decided to encourage further work on databases (see E/CN.4/Sub.2/2000/27, para. 27). Information on the developments in that regard will be presented to the Working Group at its seventh session, including a demonstration of information that might be included in new Web site pages for the OHCHR Web site.

**3 (b) Examining possible solutions to problems involving minorities, including the promotion of mutual understanding between and among minorities and Governments**

and

**3 (c) Recommending further measures, as appropriate, for the promotion and protection of persons belonging to national or ethnic, religious and linguistic minorities**

**Development of regional networks and promoting regional cooperation**

8. At its sixth session, the Working Group decided to encourage the further development of regional networks and studies regarding the implementation of the Declaration (see E/CN.4/Sub.2/2000/27, para. 116). For that purpose it recommended that one seminar be held in the Asian and Pacific region, one in the Americas focusing, in particular, on the situation of the Afro-American minorities, and one seminar be held in Africa as a follow-up to the Arusha seminar held in May 2000. This recommendation was endorsed by the Sub-Commission in paragraph 8 of its resolution 2000/16.

9. A follow-up regional workshop on multiculturalism in Africa was organized in Kidal, Mali in January 2001. The report of the workshop is contained in document E/CN.4/Sub.2/AC.5/2001/3. Participants at that Seminar requested that the paper prepared by Samia Slimane on the African regional legal framework be made available to the Working Group on Minorities and the Working Group on Indigenous Populations in all working languages. Accordingly, it is being made available in document E/CN.4/Sub.2/AC.5/2001/WP.2.

**Right to effective participation of minorities in the society of which they form a part**

10. The theme selected by the Working Group for in-depth discussion at its seventh session is "the right to effective participation of minorities in the society of which they form a part" (see E/CN.4/Sub.2/2000/7, para. 115). The Working Group also decided that special attention

under that theme would be given to an examination of integrative and autonomist approaches to minority protection. For that purpose working and conference room papers were to be prepared on relevant jurisprudence at the regional and global levels and on selected models of integrative and autonomist solutions.

11. At its sixth session, the Working Group also entrusted Mr. Bengoa with the task of preparing a paper on autonomy models in the Americas (E/CN.4/Sub.2/AC.5/2001/WP.1); Mr. Kartashkin with the task of ensuring that a study was prepared on the use of autonomy approaches in the Russian Federation (E/CN.4/Sub.2/AC.5/2001/WP.3); and Mr. Eide with that of preparing a paper on cultural or personal autonomy (E/CN.4/Sub.2/AC.5/2001/WP.4). The delegation of Finland indicated its willingness to have a study prepared on autonomy arrangements in Finland (Aaland Islands model and Saami cultural autonomy). Mr. Hadden was entrusted with the task of preparing a study on integrative approaches to minority protection. These papers will be issued as documents E/CN.4/Sub.2/AC.5/2001/WP.5 and WP.6, respectively. In addition, the Working Group will have before it the "Lund recommendations on the effective participation of national minorities in public life", submitted by John Packer, Director, Office of the High Commissioner on National Minorities of the Organization for Security and Co-operation in Europe (OSCE) (E/CN.4/Sub.2/AC.5/2001/WP.7). Several academics have submitted other conference room papers relating to this agenda item.

## 4. The future role of the Working Group

12. At its sixth session the Working Group discussed under this heading: further restructuring of the agenda to achieve a more focused approach; themes for the next session; the question of further standard-setting, including an exploration by the Sub-Commission and the Commission on Human Rights of the desirability or otherwise of drafting a convention in this field; and the holding of regional seminars.

### World Conference against Racism

13. At its sixth session, the Working Group authorized its Chairman-Rapporteur to prepare a statement to be delivered at the World Conference against Racism, focusing on the relationship between the elimination of racial discrimination and the protection of minorities. At its present session, the Working Group will have before it the text of the statement (E/CN.4/Sub.2/AC.5/2001/WP.8).

## 5. Other matters

14. Under this item, members of the Working Group may consider a range of issues relating to its mandate and its activities.

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